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Attorneys for Defendants, Cool Clouds Distribution, Inc., Umais Abubaker  
and Shahid Shaikh

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

RUTH LARA, individually and as Guardian  
of her minor child J.S., on behalf of  
themselves and on behalf of those similarly  
situated,

Plaintiffs,

v.

PUFF BAR, NICK MINAS, PATRICK  
BELTRAN, COOL CLOUDS DISTRIBUTION,  
INC., UMAIS ABUBAKER and SHAHID  
SHAIKH,

Defendants.

CASE NO. 2:20-cv-08030-SDW-LDW

**DECLARATION OF  
UMAIS ABUBAKER IN SUPPORT  
OF MOTION TO DISMISS**

UMAIS ABUBAKER, of full age, being duly deposed according to law, declares  
as follows:

1. I am a defendant in the above captioned matter. I am fully familiar with  
the facts recited herein.
2. I am a resident of the State of California, residing at 854 N. Stanley Ave.,  
Los Angeles.
3. I have never transacted any business whatsoever in the State of New  
Jersey.

4. I own no property in the State of New Jersey. I have never leased property in the State of New Jersey. I have no bank accounts in the State of New Jersey. I have no postal boxes in the State of New Jersey. I have no agents or employees in the State of New Jersey. I have never been in the State of New Jersey.

5. I have no interest in and no personal relationship with the defendant, Puff Bar, a California corporation.

6. I am the former sole shareholder of the defendant, Cool Clouds Distribution, Inc. ("Cool Clouds"), and served as its Chief Executive Officer.

7. At one time, Cool Clouds was one of 24 importers and distributors of the Puff Bar brand products.

8. I participated in the development and branding of the Puff Bar product.

9. Puff Bar products are manufactured in China.

10. In California, Cool Clouds began importing and distributing Puff Bar branded products in or about August 2019. Cool Clouds ceased operations in February of 2020.

11. Cool Clouds has never engaged in retail sales.

12. Cool Clouds, when it was an operating company, sold Puff Bar branded products to upstream wholesalers, who in turn sold products to downstream wholesalers or retailers.

13. Cool Clouds sold Puff Bar brand products to 164 upstream distributors, located in the United States. None of Cool Clouds' distributors were located in the State of New Jersey. Cool Clouds never sold products in the State of New Jersey.

14. Cool Clouds has no relationship with the defendant, Puff Bar, the California corporation, other than at one point, Puff Bar, the corporation, was a wholesale customer of Cool Clouds.

15. Cool Clouds has no interest in any of the upstream wholesalers to whom it sold products. Cool Clouds has no control over to whom or where its wholesale customers sold products.

16. Cool Clouds did not sell products via the internet.

17. Cool Clouds has never sold products to anyone in New Jersey.

18. Cool Clouds has never advertised products in New Jersey.

19. Cool Clouds has never advertised products in social media, in printed media, or via the internet.

20. The only advertising Cool Clouds ever did of Puff Bar brand products was point of sale displays when it began selling products in August of 2019.

21. Cool Clouds never sent point of sale displays to New Jersey. It provided the point of sales displays to its wholesale customers.

22. Cool Clouds has no knowledge of whether Puff Bar branded products allegedly consumed by the minor, J.S., were imported by it, or one of the 23 other importers/distributors, or was a counterfeit product.

23. Cool Clouds owns no property in New Jersey. It leases no property in New Jersey. It has no employees in New Jersey. It has no office in New Jersey. It has no bank accounts in New Jersey. It has no agents in the State of New Jersey. It has no post office boxes in the State of New Jersey.

24. Cool Clouds' only place of business was 316 E. 4th Street, Los Angeles CA 90013.

25. Cool Clouds never had more than 4 employees, all of whom worked from the Los Angeles facility.

26. When Cool Clouds was an operating company, it stored imported Puff Brand products at 316 E Fourth Street, Los Angeles CA 90013 from where it shipped

products to its upstream, wholesale customers.

27. It would be a substantial hardship for me and Cool Clouds to have to defend this action in New Jersey.

I declare and affirm under the penalties of perjury of the Law of the United States that the foregoing statements made by me are true and correct of my own personal knowledge.

DATED: November 9, 2020



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UMAIS ABUBAKER